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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JONATHAN RETTA, KIRSTEN
SCHOFIELD, and JESSICA MANIRE
on Behalf of Themselves and all Others
Similarly Situated,

Plaintiffs,

V.

MILLENNIUM PRODUCTS, INC.

Defendant.

| Case No. 2:15-cv-01801-PSG-AJW

**STIPULATION PERMITTING
PLAINTIFFS TO FILE FOURTH
AMENDED CLASS ACTION
COMPLAINT**

Judge: Hon. Philip S. Gutierrez

TAC Filed: October 8, 2015

Trial Date: December 6, 2016

1 Plaintiffs Jonathan Retta, Kirsten Schofield, and Jessica Manire (“Plaintiffs”)
2 and Defendant Millennium Products, Inc. (“Millennium”), by and through their
3 respective counsel, hereby stipulate and agree as follows:

4 WHEREAS, Plaintiffs filed this action on March 11, 2015;

5 WHEREAS, the Court issued a scheduling order on January 6, 2016 (Dkt. No.
6 43);

7 WHEREAS, in the scheduling order, the Court set February 11, 2016 as the
8 last day to add parties and amend pleadings;

9 WHEREAS, Plaintiffs seek leave to amend to file a Fourth Amended Class
10 Action Complaint to add Whole Foods Market, Inc. (“Whole Foods”) as a defendant;

11 WHEREAS, a draft of Plaintiffs’ proposed Fourth Amended Class Action
12 Complaint showing the changes to the complaint in redline is attached hereto as
13 Exhibit A;

14 WHEREAS, pursuant to Central District Local Rule 7-3, Plaintiffs’ counsel
15 has met and conferred with Millennium’s counsel regarding Plaintiffs’ request for
16 leave to file their Fourth Amended Class Action Complaint to add Whole Foods as a
17 defendant;

18 WHEREAS, Millennium does not oppose Plaintiffs’ request to add Whole
19 Foods as a defendant;

20 NOW, THEREFORE, the Parties stipulate, subject to the Court’s approval,
21 that (1) Plaintiffs shall be permitted to amend their complaint to add Whole Foods as
22 a defendant and (2) Plaintiffs will file their Fourth Amended Class Action Complaint
23 within seven days of the Court’s order approving this stipulation.

1 Dated: February 9, 2016

O'MELVENY & MYERS LLP

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3 By: /s/ Scott M. Voelz
4 Scott M. Voelz
5 Attorneys for Defendant
6 Millennium Products, Inc.

7 Dated: February 9, 2016

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8
9 By: /s/ Yeremey O. Krivoshey
10 Yeremey O. Krivoshey
11 Attorneys for Plaintiffs
12 Jonathan Retta, Kirsten Schofield,
13 and Jessica Manire

SIGNATURE ATTESTATION

14 The filing attorney attests that he has obtained concurrence regarding the filing
15 of this document from each of the other signatories to this document.

16 Dated: February 9, 2016

BURSOR & FISHER, P.A.

17 By: /s/ Yeremey O. Krivoshey
18 Yeremey O. Krivoshey

19 Attorneys for Plaintiffs